

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANTONIO ONATE, JR., on behalf of himself  
and all others similarly situated,

Plaintiffs,

-against-

AHRC HEALTH CARE, INC.,

Defendants.

20-cv-8292 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:


The Supreme Court and Second Circuit have made clear that “damages questions should be considered at the certification stage when weighing predominance issues.” *Roach v. T.L. Cannon Corp.*, 778 F.3d 401, 408 (2d Cir. 2015). While this does not mean “that a class cannot be certified under Rule 23(b)(3) simply because damages cannot be measured on a classwide basis,” *id.* at 407, the parties’ briefing does not adequately explain how damages can be calculated.

No later than **November 13, 2023**, Plaintiffs should submit a letter, not to exceed four pages, addressing the issue of damages calculations. Plaintiffs should specifically address whether damages related to the meal break policy and off-the-clock work policy will depend on individualized inquiries when those hours were not captured by the UTA system or payroll records. Plaintiff should also explain what impact these damages calculations would have on the issue of predominance and to what extent it may be appropriate for the Court to certify a class with respect to liability, but not damages. *See, e.g., Jacob v. Duane Reade, Inc.*, 293 F.R.D. 578, 592 (S.D.N.Y. 2013), *aff’d*, 602 F. App’x 3 (2d Cir. 2015).

Defendant may file any response, not to exceed 4 pages, no later than **November 17, 2023**.

SO ORDERED.

Dated: November 6, 2023  
New York, New York



ARUN SUBRAMANIAN  
United States District Judge